

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. J. RES. 68

Making continuing appropriations for the fiscal year 2006, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

Mr. LEWIS of California introduced the following joint resolution; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## JOINT RESOLUTION

Making continuing appropriations for the fiscal year 2006,  
and for other purposes.

1       *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled,*  
3 That the following sums are hereby appropriated, out of  
4 any money in the Treasury not otherwise appropriated,  
5 and out of applicable corporate or other revenues, receipts,  
6 and funds, for the several departments, agencies, corpora-  
7 tions, and other organizational units of Government for  
8 fiscal year 2006, and for other purposes, namely:

1        SEC. 101. (a) Such amounts as may be necessary  
2 under the authority and conditions provided in the appli-  
3 cable appropriations Act for fiscal year 2005 for con-  
4 tinuing projects or activities (including the costs of direct  
5 loans and loan guarantees) that are not otherwise specifi-  
6 cally provided for in this joint resolution, that were con-  
7 ducted in fiscal year 2005, and for which appropriations,  
8 funds, or other authority would be available in the fol-  
9 lowing appropriations Acts:

10            (1) The Agriculture, Rural Development, Food  
11            and Drug Administration, and Related Agencies Ap-  
12            propriations Act, 2006.

13            (2) The Department of Defense Appropriations  
14            Act, 2006.

15            (3) The Energy and Water Development Appro-  
16            priations Act, 2006.

17            (4) The Foreign Operations, Export Financing,  
18            and Related Programs Appropriations Act, 2006 (in  
19            the House of Representatives), or the Department of  
20            State, Foreign Operations, and Related Programs  
21            Appropriations Act, 2006 (in the Senate).

22            (5) The Department of Homeland Security Ap-  
23            propriations Act, 2006.

1           (6) The Departments of Labor, Health and  
2           Human Services, and Education, and Related Agen-  
3           cies Appropriations Act, 2006.

4           (7) The Military Quality of Life and Veterans  
5           Affairs Appropriations Act, 2006 (in the House of  
6           Representatives), or the Military Construction and  
7           Veterans Affairs, and Related Agencies Appropria-  
8           tions Act, 2006 (in the Senate).

9           (8) The Science, State, Justice, Commerce, and  
10          Related Agencies Appropriations Act, 2006 (in the  
11          House of Representatives), or the Departments of  
12          Commerce and Justice, Science, and Related Agen-  
13          cies Appropriations Act, 2006 (in the Senate).

14          (9) The Transportation, Treasury, Housing and  
15          Urban Development, the Judiciary, the District of  
16          Columbia, and Independent Agencies Appropriations  
17          Act, 2006 (in the House of Representatives), or the  
18          Transportation, Treasury, the Judiciary, Housing  
19          and Urban Development, and Related Agencies Ap-  
20          propriations Act, 2006 (in the Senate) and the Dis-  
21          trict of Columbia Appropriations Act, 2006 (in the  
22          Senate).

23          (b) Whenever the amount that would be made avail-  
24          able or the authority that would be granted for a project  
25          or activity under an Act listed in subsection (a) as passed

1 by the House of Representatives as of October 1, 2005,  
2 is the same as the amount or authority that would be  
3 available or granted under the same or other pertinent Act  
4 as passed by the Senate as of October 1, 2005—

5           (1) the project or activity shall be continued at  
6           a rate for operations not exceeding the current rate  
7           or the rate permitted by the actions of the House  
8           and the Senate, whichever is lower, and under the  
9           authority and conditions provided in applicable ap-  
10          propriations Acts for fiscal year 2005; or

11          (2) if no amount or authority is made available  
12          or granted for the project or activity by the actions  
13          of the House and the Senate, the project or activity  
14          shall not be continued.

15          (c) Whenever the amount that would be made avail-  
16          able or the authority that would be granted for a project  
17          or activity under an Act listed in subsection (a) as passed  
18          by the House of Representatives as of October 1, 2005,  
19          is different from the amount or authority that would be  
20          available or granted under the same or other pertinent Act  
21          as passed by the Senate as of October 1, 2005—

22               (1) the project or activity shall be continued at  
23               a rate for operations not exceeding the current rate  
24               or the rate permitted by the action of the House or  
25               the Senate, whichever is lowest, and under the au-

1       thority and conditions provided in applicable appro-  
2       priations Acts for fiscal year 2005; or

3               (2) if the project or activity is included in the  
4       pertinent Act of only one of the Houses, the project  
5       or activity shall be continued under the appropria-  
6       tion, fund, or authority granted by the one House,  
7       but at a rate for operations not exceeding the cur-  
8       rent rate or the rate permitted by the action of the  
9       one House, whichever is lower, and under the au-  
10      thority and conditions provided in applicable appro-  
11      priations Acts for fiscal year 2005.

12      (d) Whenever the pertinent Act covering a project or  
13      activity has been passed by only the House of Representa-  
14      tives as of October 1, 2005—

15              (1) the project or activity shall be continued  
16      under the appropriation, fund, or authority granted  
17      by the House, at a rate for operations not exceeding  
18      the current rate or the rate permitted by the action  
19      of the House, whichever is lower, and under the au-  
20      thority and conditions provided in applicable appro-  
21      priations Acts for fiscal year 2005; or

22              (2) if the project or activity is funded in appli-  
23      cable appropriations Acts for fiscal year 2005 and  
24      not included in the pertinent Act of the House as of  
25      October 1, 2005, the project or activity shall be con-

1       tinued under the appropriation, fund, or authority  
2       granted by applicable appropriations Acts for fiscal  
3       year 2005 at a rate for operations not exceeding the  
4       current rate and under the authority and conditions  
5       provided in applicable appropriations Acts for fiscal  
6       year 2005.

7       SEC. 102. (a) No appropriation or funds made avail-  
8       able or authority granted pursuant to section 101 for the  
9       Department of Defense shall be used for (1) the new pro-  
10      duction of items not funded for production in fiscal year  
11      2005 or prior years; (2) the increase in production rates  
12      above those sustained with fiscal year 2005 funds; or (3)  
13      the initiation, resumption, or continuation of any project,  
14      activity, operation, or organization (defined as any project,  
15      subproject, activity, budget activity, program element, and  
16      subprogram within a program element, and for any invest-  
17      ment items defined as a P-1 line item in a budget activity  
18      within an appropriation account and an R-1 line item that  
19      includes a program element and subprogram element with-  
20      in an appropriation account) for which appropriations,  
21      funds, or other authority were not available during fiscal  
22      year 2005.

23      (b) No appropriation or funds made available or au-  
24      thority granted pursuant to section 101 for the Depart-  
25      ment of Defense shall be used to initiate multi-year pro-

1 curements utilizing advance procurement funding for eco-  
2 nomic order quantity procurement unless specifically ap-  
3 propriated later.

4 (c) Notwithstanding this section, the Secretary of De-  
5 fense may, following notification of the congressional de-  
6 fense committees, initiate projects or activities required to  
7 be undertaken for force protection purposes using funds  
8 made available from the Iraq Freedom Fund.

9 SEC. 103. Appropriations made by section 101 shall  
10 be available to the extent and in the manner that would  
11 be provided by the pertinent appropriations Act.

12 SEC. 104. No appropriation or funds made available  
13 or authority granted pursuant to section 101 shall be used  
14 to initiate or resume any project or activity for which ap-  
15 propriations, funds, or other authority were not available  
16 during fiscal year 2005.

17 SEC. 105. Appropriations made and authority grant-  
18 ed pursuant to this joint resolution shall cover all obliga-  
19 tions or expenditures incurred for any project or activity  
20 during the period for which funds or authority for such  
21 project or activity are available under this joint resolution.

22 SEC. 106. Unless otherwise provided for in this joint  
23 resolution or in the applicable appropriations Act, appro-  
24 priations and funds made available and authority granted  
25 pursuant to this joint resolution shall be available until

1 whichever of the following first occurs: (1) the enactment  
2 into law of an appropriation for any project or activity  
3 provided for in this joint resolution; (2) the enactment into  
4 law of the applicable appropriations Act by both Houses  
5 without any provision for such project or activity; or (3)  
6 November 18, 2005.

7       SEC. 107. Expenditures made pursuant to this joint  
8 resolution shall be charged to the applicable appropriation,  
9 fund, or authorization whenever a bill in which such appli-  
10 cable appropriation, fund, or authorization is contained is  
11 enacted into law.

12       SEC. 108. Appropriations and funds made available  
13 by or authority granted pursuant to this joint resolution  
14 may be used without regard to the time limitations for  
15 submission and approval of apportionments set forth in  
16 section 1513 of title 31, United States Code, but nothing  
17 in this joint resolution may be construed to waive any  
18 other provision of law governing the apportionment of  
19 funds.

20       SEC. 109. Notwithstanding any other provision of  
21 this joint resolution, except section 106, for those pro-  
22 grams that had high initial rates of operation or complete  
23 distribution of fiscal year 2005 appropriations at the be-  
24 ginning of that fiscal year because of distributions of fund-  
25 ing to States, foreign countries, grantees or others, similar

1 distributions of funds for fiscal year 2006 shall not be  
2 made and no grants shall be awarded for such programs  
3 funded by this joint resolution that would impinge on final  
4 funding prerogatives.

5       SEC. 110. This joint resolution shall be implemented  
6 so that only the most limited funding action of that per-  
7 mitted in the joint resolution shall be taken in order to  
8 provide for continuation of projects and activities.

9       SEC. 111. No provision that is included in an appro-  
10 priations Act listed in section 101(a), but that was not  
11 included in the applicable appropriations Act for fiscal  
12 year 2005 and by its terms is applicable to more than one  
13 appropriation, fund, or authority, shall be applicable to  
14 any appropriation, fund, or authority provided in this joint  
15 resolution.

16       SEC. 112. No provision that is included in an appro-  
17 priations Act listed in section 101(a), and that makes the  
18 availability of any appropriation provided therein depend-  
19 ent upon the enactment of additional authorizing or other  
20 legislation, shall be effective before the date set forth in  
21 section 106(3).

22       SEC. 113. Funds appropriated by this joint resolution  
23 may be obligated and expended notwithstanding section 10  
24 of Public Law 91-672 (22 U.S.C. 2412), section 15 of  
25 the State Department Basic Authorities Act of 1956 (22

1 U.S.C. 2680), section 313 of the Foreign Relations Au-  
2 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.  
3 6212), and section 504(a)(1) of the National Security Act  
4 of 1947 (50 U.S.C. 414(a)(1)).

5       SEC. 114. (a) For entitlements and other mandatory  
6 payments whose budget authority was provided in appro-  
7 priations Acts for fiscal year 2005, and for activities under  
8 the Food Stamp Act of 1977, activities shall be continued  
9 at the rate to maintain program levels under current law,  
10 under the authority and conditions provided in the appli-  
11 cable appropriations Act for fiscal year 2005, to be contin-  
12 ued through the date specified in section 106(3) of this  
13 joint resolution.

14       (b) Notwithstanding section 106 of this joint resolu-  
15 tion, funds shall be available and obligations for manda-  
16 tory payments due on or about November 1, 2005 and  
17 December 1, 2005, may continue to be made.

18       SEC. 115. The provisions of, and amendments made  
19 by, sections 1011, 1012, 1013, 1023, and 1026 of Public  
20 Law 109–13 shall continue in effect, notwithstanding the  
21 fiscal year limitation in section 1011 and the provisions  
22 of sections 1012(i), 1013(e), 1023(c), and 1026(e) of that  
23 Public Law, through the earlier of (1) the date specified  
24 in section 106(3) of this joint resolution, or (2) with re-  
25 spect to any such section of Public Law 109–13, the date

1 of the enactment into law of legislation that supersedes  
2 the provisions of, or the amendments made by, that sec-  
3 tion.

4       SEC. 116. The authorities provided by section 1306  
5 of Public Law 107–314 shall continue in effect through  
6 the date specified in section 106(3) of this joint resolution  
7 or the date of the enactment into law of a defense author-  
8 ization Act for fiscal year 2006, whichever is earlier.

9       SEC. 117. Section 6 of Public Law 107–57, as  
10 amended, shall be applied by substituting the date speci-  
11 fied in section 106 of this joint resolution for “October  
12 1, 2005”, and sections 508 and 512 of the Foreign Oper-  
13 ations, Export Financing, and Related Programs Appro-  
14 priations Act, 2005 (Public Law 108–447, div. D), as  
15 made applicable to fiscal year 2006 by the provisions of  
16 this joint resolution, shall not apply with respect to Paki-  
17 stan through the date specified in section 106(3) of this  
18 joint resolution.

19       SEC. 118. (a) Funds provided in section 101 of this  
20 joint resolution for “Social Security Administration-Limi-  
21 tation on Administrative Expenses” may be used to com-  
22 plete the processing of appeals received prior to July 1,  
23 2005 under sections 1852 and 1869 of the Social Security  
24 Act, notwithstanding section 931(b) of Public Law 108–  
25 173.

1 (b) The Commissioner of Social Security may enter  
2 into a reimbursable agreement with the Secretary of  
3 Health and Human Services to process, during fiscal year  
4 2006, appeals received after June 30, 2005 and prior to  
5 October 1, 2005.

6 SEC. 119. For the purposes of section 101 of this  
7 joint resolution, amounts obligated in fiscal year 2005  
8 from funding provided in section 1015 of Public Law 108–  
9 173 shall be deemed to have been provided in an applicable  
10 appropriations Act for fiscal year 2005.

11 SEC. 120. Notwithstanding section 101 of this joint  
12 resolution, amounts are provided for “Department of  
13 Health and Human Services-Office of the Secretary-Medi-  
14 care Appeals” at a rate for operations not exceeding the  
15 rate set forth for such account in title II of H.R. 3010  
16 of the 109th Congress, as passed by the House of Rep-  
17 resentatives.

18 SEC. 121. Section 1015(b) of Public Law 108–173  
19 is amended by striking “2005” and inserting “2006”.

20 SEC. 122. The authority provided by section 2011 of  
21 title 38, United States Code, shall continue in effect  
22 through the date specified in section 106(3) of this joint  
23 resolution.

24 SEC. 123. The authority provided by section 2808 of  
25 Public Law 108–136, as amended by section 2810 of Pub-

1 lic Law 108–375, shall continue in effect through the date  
2 specified in section 106(3) of this joint resolution.

3 SEC. 124. The amendment made by section 1022 of  
4 Public Law 109–13 shall continue in effect through the  
5 date specified in section 106(3) of this joint resolution.

6 SEC. 125. Funds appropriated by section 101 of this  
7 joint resolution for the National Aeronautics and Space  
8 Administration may be obligated in the account and budg-  
9 et structure set forth in the pertinent Acts specified in  
10 section 101(a)(8).

11 SEC. 126. Funds appropriated by section 101 of this  
12 joint resolution for “National Science Foundation-Re-  
13 search and Related Activities” may be used for Arctic and  
14 Antarctic icebreaking maintenance and operations.

15 SEC. 127. (a) Notwithstanding any other provision  
16 of this joint resolution, except section 106, the District  
17 of Columbia may expend local funds for programs and ac-  
18 tivities under the heading “District of Columbia Funds”  
19 at the rate set forth for such programs and activities  
20 under title V of H.R. 3058, One Hundred Ninth Congress,  
21 as passed by the House of Representatives, and in addi-  
22 tion, funds under “District of Columbia Funds-Enterprise  
23 and Other Funds-Capital Outlay” as included in the Fis-  
24 cal Year 2006 Proposed Budget and Financial Plan sub-

1 mitted to the Congress by the District of Columbia on  
2 June 6, 2005.

3 (b) Section 2302 of Public Law 108–11, as amended  
4 by section 336 of Public Law 108–335 shall be applied  
5 by substituting the date specified in section 106(3) of this  
6 joint resolution for “September 30, 2005”.

7 SEC. 128. The provisions of title II of the McKinney-  
8 Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.)  
9 shall continue in effect, notwithstanding section 209 of  
10 such Act, through the earlier of (1) the date specified in  
11 section 106(3) of this joint resolution, or (2) the date of  
12 the enactment into law of an authorization Act relating  
13 to the McKinney-Vento Homeless Assistance Act.

14 SEC. 129. Notwithstanding section 101 of this joint  
15 resolution, amounts are provided for “Department of  
16 Transportation-Federal Transit Administration-Adminis-  
17 trative Expenses” at a rate for operations not exceeding  
18 the total of budgetary resources made available for obliga-  
19 tion for fiscal year 2005.

20 SEC. 130. Section 403(f) of Public Law 103–356 (31  
21 U.S.C. 501 note) shall be applied by substituting the date  
22 specified in section 106(3) of this joint resolution for “Oc-  
23 tober 1, 2005”.

24 SEC. 131. Amounts made available by this joint reso-  
25 lution for the Department of Defense that are related to

1 amounts provided in title IX of the Department of Defense  
2 Appropriations Act, 2006, as passed by the House, or re-  
3 lated to amounts designated as emergency requirements  
4 in previous defense appropriations Acts or supplemental  
5 appropriations Acts, are designated as appropriations for  
6 contingency operations related to the global war on ter-  
7 rorism pursuant to section 402 of H. Con. Res. 95 (109th  
8 Congress), the concurrent resolution on the budget for fis-  
9 cal year 2006, except that amounts so designated under  
10 this section shall not exceed \$50,000,000,000.

○